

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

ROBERT L. BELL, JR.,

Plaintiff,

VS.

MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

CASE NO. 4:08-CV-2014

ORDER & OPINION  
[Resolving Doc. No. [16](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On August 20, 2008, Plaintiff Robert L. Bell, Jr., filed a complaint under 42 U.S.C. § 405(g), seeking judicial review of the Commissioner of Social Security's denial of his application for a period of Disability Insurance Benefits and for Supplemental Security Income. [Doc. [1](#).] Plaintiff Bell argues that the Commissioner's finding that Bell's gouty arthritis does not restrict him from work activity except on an occasional, brief basis is not supported by substantial evidence. [[Id.](#)] The Commissioner disputes this claim. [Doc. [10](#).] This matter was automatically referred to United States Magistrate Judge Nancy A. Vecchiarelli pursuant to Local Rule 72.2.

On May 20, 2009, Magistrate Judge Vecchiarelli issued a Report and Recommendation that this Court remand the case back to the Administrative Law Judge so that the ALJ can provide a factually supported, reasoned opinion that complies with the regulations and allows for meaningful judicial review. [Doc. [16](#).] Magistrate Judge Vecchiarelli found the ALJ's opinion devoid of citation to the record and lacking in reasoned analysis, particularly with respect to the ALJ's credibility finding regarding Bell's testimony and the ALJ's evaluation of the medical opinion evidence.

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Neither party objects to the Magistrate Judge's recommendation. [See Doc. [17](#).]

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). Parties must file any objections to a Report and Recommendation within ten days of service. *Id.* Failure to object within this time waives a party's right to appeal the magistrate judge's recommendation. [FED. R. CIV. P. 72\(a\)](#); see also [Thomas v. Arn, 474 U.S. 140, 145 \(1985\)](#); [United States v. Walters, 638 F.2d 947, 949-50 \(6th Cir. 1981\)](#). Absent objection, a district court may adopt the magistrate's report without review. See [Thomas, 474 U.S. at 149](#). Moreover, having conducted its own review of the parties' briefs on the issue, the Court agrees with the conclusions of the Magistrate Judge.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Vecchiarelli's findings of fact and conclusions of law and incorporates them fully herein by reference. The Court thus **REMANDS** this case to the Administrative Law Judge for a factually supported, reasoned opinion that complies with the regulations and allows for meaningful judicial review.

IT IS SO ORDERED.

Dated: June 4, 2009

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE